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# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## List of issues to be taken up in connection with the consideration of the initial report of GEORGIA concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.37)

## I. GENERAL INFORMATION

### A. Land and people

1. Please provide the latest information about the country: land, population broken down by age and gender, and by national and ethnic origin; and various social and economic statistics indicating the current situation in Georgia (such as GDP, per capita income, minimum wage, rate of inflation and size of external and internal debt).

### B. General legal framework within which human rights are protected

2. Please provide information about the current system of State institutions responsible for the protection of human rights.

3. In paragraph 4 of the report it is stated that "The Georgian Supreme Court has been recommended to ensure that Georgian courts actively apply international human rights standards." Who issues such recommendations to the Supreme Court and how are they enacted? If possible, please give examples from judicial practice, indicating in particular whether the Covenant may be invoked directly before the Georgian courts.

4. In paragraph 6 of the report it is stated that "[the Constitution] does not repudiate generally recognized human and civic rights, liberties and safeguards that are not mentioned within it". How is this situation reflected in the text of the Constitution and what are the generally recognized human and civic rights in question?

5. Please indicate whether Georgia intends to ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

6. Please indicate the Government's position with regard to the recommendation of the World Conference on Human Rights concerning the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights?

### C. Information on the rights recognized in the Covenant

7. What is the Government's view of the role of NGOs in the implementation of the Covenant?

8. In paragraph 4 of the report it is stated that "the Covenant has not been properly circulated among law-enforcement [and] judicial bodies". Has this situation changed since the drafting of the report?

## II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

### Article 1. Right of peoples to self-determination

9. In paragraph 25 of the report it is recognized that "[t]here is some confusion over the procedure and practice of using minority languages for contact with the authorities in areas with concentrations of minorities". What sort of "confusion" is this and how does the Government intend to resolve the situation?

10. Please provide information on the normalization of the relations of Georgia with Abkhazia and South Ossetia and the impact it has on the enjoyment by their respective populations of economic, social and cultural rights.

### Article 2. Non-discrimination

11. In paragraph 11 of the report it is stated that foreigners in Georgia are not entitled to hold certain jobs. Please clarify which jobs fall into this category.

12. Please indicate how the provisions of the Law on Internally Displaced Persons (1996) are being implemented regarding equal access to education, for instance with respect to the Meskhetians?

### Article 3. Equality of men and women

13. What is the Government of Georgia doing to address the problem of unemployment among women?

14. Please clarify what is meant by the "restrictions" on women's work referred to in paragraph 38 of the report?

## III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

### Article 6. Right to work

15. Please provide updated information on unemployment trends in Georgia over the past five years, disaggregated by gender, age and by economic sector.

16. Please comment on the implementation of the State job-creation programme referred to in paragraph 49.

### Article 7. Right to just and favourable conditions of work

17. Please clarify the legal and actual status of the minimum wage and its evolution in relation to the cost of living.

18. Please clarify the meaning of the passage in paragraph 55 stating that "The pay of budget-sector workers is determined centrally, due account being taken of the rationalization of budget revenues." What impact does this method have on the real wages of public-sector workers?

19. Why does the single wage grid mechanism not cover the pay of people working in legislative bodies, in the security forces or law-enforcement agencies (para. 54)?

20. How are the "Basic guidelines on wage resolution, 1996-2000" (para. 56) being implemented, and what has become of the regulatory instruments referred to in paragraphs 56 and 64?

21. Please provide updated information about work-related injuries and the measures being undertaken by the Government to improve working conditions.

### Article 8. Trade union rights

22. Please comment on the legal status of industry-specific trade unions and the Association of Georgian Trade Unions. Is there a distinction in Georgia between State and independent trade unions? Is the Association of Georgian Trade Unions a member of the International Confederation of Free Trade Unions (ICFTU)?

23. Has Georgia adopted a law governing the procedure for settling labour disputes? Please describe how issues pertaining to organizing strikes are resolved in the light of the absence of legal regulation.

24. What are the "objective and subjective factors", mentioned in paragraph 83, that hamper the practical application of legislative provisions governing trade unions?

### Article 9. Right to social security

25. Please explain why family social assistance does not cover large families or single mothers, as indicated in paragraph 102?

26. How do the unemployment benefits mentioned in paragraph 107 compare with the cost of living?

## Article 10. Protection of the family, mothers and children

27. Please explain what the justification has been for the abolition of child allowances, referred to in paragraphs 100 and 143?

28. Please describe the measures taken by the State to eliminate discrimination against women in the labour market?

29. What is the State doing about children begging on the streets, and drug abuse and crime among the youth?

30. Please give details about the implementation of the "Future of Georgia" presidential programme mentioned in paragraph 147.

## Article 11. Right to an adequate standard of living

31. Please provide updated information on inflation, the cost of medical care and the increase in retail prices.

32. It is stated in paragraph 154 that incomes have risen in recent years. Is this trend continuing currently?

33. Please provide statistical data to facilitate a comparison between the social benefits referred to in paragraph 88 and the cost of living.

34. Please describe the actual situation of food supply in Georgia.

35. Please comment on the progress of land reform in Georgia and the impact this has on agricultural production.

36. How are the specific farming programmes referred to in paragraph 184 being implemented?

37. Does Georgia intend to adopt a law on the return of housing earlier confiscated illegally from internally displaced persons?

38. Please describe the actual situation with regard to housing and forced evictions in Georgia.

## Article 12. Right to physical and mental health

39. Please provide updated information on infant mortality.

40. Please explain the "national medication policy" currently applied in Georgia.

41. Please provide updated information on the provision of health-care facilities and personnel.

## Articles 13 and 14. Right to education

42. Please provide comparative statistics on State spending on education over the past five years.

43. Please provide information about the increase in the number of non-State educational establishments and their legal status as compared with that of State establishments.

44. Please provide updated information on the proportion of children who drop out of school.

45. Has there been an improvement in the "unsatisfactory situation as regards physical facilities" within the education sector?

46. Please provide updated information on the financial situation of teachers and staff at higher educational establishments.

## Article 15. Right to take part in cultural life

47. What percentage of the national budget is allocated to culture?

48. Please indicate what progress has been made in the consideration of the bill on culture and other similar bills referred to in paragraph 300 of the report?

49. What is the Government doing to clamp down on breaches of copyright?

50. Please comment on government measures to preserve the cultural heritage and languages of ethnic minorities.

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